

**CASE No. 22-15260**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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THE ESTATE OF ISABELLA “BELLA”, et al.

*Appellants,*

vs.

NETFLIX, INC.

*Appellee.*

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Appeal From The United States District Court,  
Northern District of California, Case No. 4:21-cv-06561-YGR,  
Hon. Yvonne Gonzalez Rogers

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**APPELLEE NETFLIX, INC.’S RESPONSE TO APPELLANTS’ “FINAL”  
MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS’ OPENING  
BRIEF & EXCERPTS OF RECORD**

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Attorneys for Appellee NETFLIX, INC.

Appellants did not advise Netflix of their intent to seek an extension until yesterday afternoon, and then filed their motion without waiting for Netflix's response. Netflix does not agree that Appellants have presented any legitimate basis for an extension. Nevertheless, Netflix does not oppose a two-week extension provided that this is the last and final extension. Appellants have already received multiple extensions, and were warned when the Court granted their last extension request that "the court is not inclined to grant any further motions for extension of time to file the opening brief." Dkt. 25.

Netflix notes that, despite Appellants' repeated statement that "this will be the *final* extension request," Appellants have buried a caveat within their motion. In the Declaration of Andrew Grimm, Appellants state: "We can commit that we will seek no further extensions of time, *with the exception that should my clients' forthcoming motion for overlength briefing be either denied or granted only in part, then we will need time to edit down our brief.* Otherwise, the brief will be submitted on January 3, 2023 and then finalized upon grant of the motion—with no further extensions sought." Mot. at 9 (italics adjusted). This is once again an attempt to buy extra time beyond the supposedly "final" extension request sought by this motion. Appellants apparently intend to file their motion for an overlength brief at the same time they file their opening brief, *see* Mot. at 4, n.1, and then seek additional time if the Court denies their motion. Appellants cannot show the "extraordinary and compelling circumstances" necessary to justify a "disfavor[ed]" motion to exceed the applicable page limits, Circuit Rule 31-2 and Advisory Committee Note. They have had months to draft a brief within the applicable page limits, and this case is not so complex that additional pages are necessary. If Appellants file a motion to file an overlength brief and the Court denies that motion, the Court should not give Appellants more than the default seven days to file a compliant brief. Circuit Advisory Committee Note to Rule 32-2.

Respectfully submitted,

DATED: December 13, 2022

MUNGER, TOLLES & OLSON LLP

By: s/ Blanca F. Young  
BLANCA F. YOUNG  
Attorneys for Appellee NETFLIX, INC.

**CERTIFICATE OF COMPLIANCE PURSUANT TO  
FED. R. APP. 32(A)(7)(C) AND CIRCUIT RULE 32-1**

Pursuant to Fed. R. App. P. 32 (a)(7)(C) and Ninth Circuit Rule 32-1, I  
certify that the attached brief is proportionally spaced, has a typeface of 14 points  
and contains 344 words.

DATED: December 13, 2022

MUNGER, TOLLES & OLSON LLP

By: s/ Blanca F. Young  
BLANCA F. YOUNG  
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### **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: December 13, 2022

Respectfully submitted,

s/ Blanca F. Young  
BLANCA F. YOUNG